

Meeting of 2002-3-12 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MARCH 12, 2002 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
 John Vincent, City Attorney
 Brenda Smith, City Clerk
LTC Tony Puckett, Fort Sill Liaison

The meeting was called to order at 6:35 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT: Randy Bass, Ward One
James Hanna Ward Two
 Glenn Devine, Ward Three
John Purcell, Ward Four
 Robert Shanklin, Ward Five
 Barbara Moeller, Ward Six
 Stanley Haywood, Ward Seven
 Michael Baxter, Ward Eight

ABSENT: None.

AUDIENCE PARTICIPATION:

Clarence Williams, 1817 Jefferson, said he was present two weeks ago with the lienholder and is present tonight representing the homeowners, the Albertys, and he had talked with both of them. He said the understanding he gave to the homeowners was that they have 15 days to submit for a permit and today is the 14th day and today they authorized him to apply for a permit. He expressed appreciation for Council's consideration and said he was speaking of the properties at 1213 and 1215 Summit

CONSENT AGENDA :

Separate consideration was requested for Items 2, 3, 8 and 10.

MOVED by Shanklin, SECOND by Bass, to approve the Consent Agenda items as recommended with the exception of Items 2, 3, 8 and 10. AYE: Haywood, Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for denial: Herbert Gray, Jr., and Carla J. and Rick D. Romo. Exhibits: Legal Opinions/Recommendations. Action: Denial of claims.
2. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for claims which are over \$400.00: Southwestern Bell (three); Christopher & Dawn Monhof, and Beverly Gilstrap. Exhibits: Legal Opinions/Recommendations. Monhof - \$75.00; Gilstrap - \$45.00

Moeller asked if there was an error on the Monhof opinion in that it contained the same address as the Gilstrap opinion. Vincent said it was an error and the correct address of the damage sustained by the Monhof's was 7301 NW Lawton.

MOVED by Moeller, SECOND by Baxter, to approve the damage claims listed in Item 2 as recommended by staff. AYE: Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

(Title) Resolution No. 02-35

A resolution authorizing and directing the City Attorney to assist Southwestern Bell in filing a friendly suit in the

District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Six Hundred Seven Dollars and 35/100 (\$607.35).

(Title) Resolution No. 02-36

A resolution authorizing and directing the City Attorney to assist Southwestern Bell in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of One Thousand Eight Hundred Sixty Two Dollars and 41/100 (\$1,862.41).

(Title) Resolution No. 02-37

A resolution authorizing and directing the City Attorney to assist Southwestern Bell in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Seven Hundred Thirty Three Dollars and 10/100 (\$733.10).

3. Consider ratifying the action of the City Attorney and approve the Retainer Agreement for professional services with Larry Owen for expert analysis and consultation of a vehicle accident and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Agreement.

Purcell asked what we were entering into a contract to spend money for at this point in time. Vincent said an expert witness had to be obtained while there were fresh indications before the car got destroyed, and we have been contacted by an attorney for the family. Baxter asked if they said they would be suing the City. Vincent said they did not make that statement but there was contact by an attorney for the family. Purcell asked if this has already been done with the consultant. Vincent said the consultant had done a preliminary investigation before the car was crushed.

MOVED by Purcell, SECOND by Haywood, to approve the action of the City Attorney and approve the retainer agreement. AYE: Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

4. Consider amending Council Policy No. 8-1, "Engineering and Architectural Selection Process", dated September 12, 2000. Exhibits: Amended Council Policy No. 8-1. Action: Approval. Deals with projects that will have engineering fees between \$7,500 and \$20,000.

5. Consider accepting the 2000 CIP Waterline Replacement Project #2000-12 as constructed by S.M. Burk Mechanical Contractors and placing the maintenance bond into effect. Exhibits: None. Action: Accept the project, retain \$17,749.80 payment for grassing until satisfactory growth and place maintenance bond into effect.

6. Consider approving plans and specifications for the SE Larrance Street Sewer Line Project. Exhibits: None. Action: Approval.

7. Consider approving a contract with Robert B. Hendrick & Associates Co. for professional design services for the NW 34th Street/Drainage Project #2001-23. Exhibits: None. Action: Approve in the amount of \$203,000.00.

8. Consider awarding a construction contract to S.M. Burk Mechanical Contractors for the Street, Driveway and Sidewalk Concrete Repair Project #2002-3. Exhibits: None.

Shanklin asked if only one bid was received. Mike Johnson, Engineering, said yes. Shanklin asked if it was advertised for 30 days and Johnson said yes. Johnson said several came to the pre-bid conference but there was not much interest beyond that because these are at scattered locations throughout the city, small jobs and they require the contractor to move quite a bit. Shanklin said he did not know this firm was in the concrete business. Johnson said the company did a similar project for the City about a year and a half ago.

MOVED by Shanklin, SECOND by Baxter, to approve Item 8 as recommended. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

9. Consider awarding a construction contract to Bordwine Development for the Streets/Solid Waste Collection Division Restroom Project #2001-19 and authorizing additional funding. Exhibits: None. Action: Approve in the amount of \$79,000.00.

10. Consider authorizing an agreement between Kid's Zone Lawton/Fort Sill Community Playground Endowment Designated Fund between the Communities Foundation of Oklahoma, Inc., the Friends of the Park and the City of Lawton to establish a permanent fund for continued maintenance support of the Kids Zone Park and accepting the initial contribution of \$40,000 for the designated fund; and to authorize the Mayor to execute the agreement. Exhibits: Agreement.

Kim Shahan, Parks & Recreation Director, said the Kid's Zone Park was built in October 2000 and the project organizers had planned to use any funds that were left over from the fund-raising project to provide a community foundation to provide maintenance funds for that park. He said they are present tonight to provide a check in the

amount of \$40,000 to initiate that foundation. A young man by the name of Kevin Dooley presented a check to the Mayor and City Council for \$40,000. Mayor Powell expressed appreciation for the donation of funds.

Devine said the large granite monument has been set and it is beautiful. He said he lives very close and it is amazing how many people use the facility and the parking lot is small. Mayor Powell said parents stay at the park with the children most of the time, which is very beneficial, and expressed appreciation for Mark Glenn and his group, as well as all of the soldiers from Fort Sill who built the park.

MOVED by Devine, SECOND by Baxter, to accept the check and approve the agreement. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

11. Consider option to renew extension of the Robinson's Landing Store lease to Litehouse Limited Liability Company. Exhibits: None. Action: Approve one-year extension.

12. Consider entering into contracts with Mr. & Mrs. Don Barnes, Nicholas Chelenza, and Barbara Lile fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contracts. Exhibits: None. Action: Approve.

13. Consider approving the following contract extensions: A) Lease of Office Facilities for Housing and Community Development with KW and Company, Inc; B) 2002 Uniform Violation Complaints with Fields Printing Company. Exhibits: None. Action: Approve.

14. Consider awarding contract for Steel Wheel Roller. Exhibits: Recommendation; Bid Abstract. Action: Award to Midwestern Equipment Company.

15. Consider awarding contract for Jail Beverage Products. Exhibits: Recommendation; Abstract. Action: Award to Farmers Brothers Company.

16. Consider approval of appointments to boards and commissions. Exhibits: Memo.

Traffic Commission: Sharline Campbell, Term: 2/23/02 to 2/23/05

Parks & Recreation Commission: Jon Stuke, Mayor's Rep., Term: 2/26/02 to 1/1/04

17. Consider approval of payroll for the period of March 4 through 17, 2002.

18. Consider approval of Minutes of Lawton City Council Regular Meeting of February 26, 2002.

BUSINESS ITEMS:

19. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Residential/Low Density to Commercial and an ordinance changing the zoning from R-4 (High Density Apartment District) to C-1 (Local Commercial District) zoning classification located at 602-608 NW Fort Sill Boulevard. Exhibits: Resolution No. 02-___; Ordinance No. 02-___; Location Map; Site Plan; Applications; CPC Minutes; Letters Opposing Request; 2025 Land use Map and Zoning Map.

Bob Bigham, City Planner, said the request is to rezone Lots 1-4, Block 7, Mountain View Addition. The application was submitted by Retail Buildings, Inc./Braum's Ice Cream, and signed by the individual property owners including Retail Buildings/Braum's on Lot 4, Jack and Everett Sterrett on Lot 1 and the S/2 of Lot 2, and Joe and Kim Beauchamp on part of Lot 2 and Lot 3. Bigham pointed out the location of the four residential lots, as well as Fort Sill Boulevard, Ferris and Lawton High School on a view graph map. The existing Braum's Store is on three lots, and a Use Permitted on Review was approved in 1974 for a parking lot on one residential lot associated with the store. The C-1 zoning has been there since the original zoning ordinance was passed in 1964.

Bigham said the Planning Commission on February 14 held a public hearing, seven persons spoke against the request and one person spoke in favor of the request; two letters of opposition were received. The CPC by a seven to zero vote recommended denial of the request based on increased traffic flow, incompatibility with surrounding property and utilization of the alley for the development. Notice of public hearing was mailed to 33 property owners and proper notice was published in the Lawton Constitution.

Bigham said a petition was submitted to the City Clerk's Office on March 8 containing 38 names representing 51.8% protest within the 300 foot notification area. He presented a slide showing the requested area, the 300 foot notification area, and the colored in areas of red indicate the properties represented on the protest petition. Bigham said under Title 11 of the State Statutes, when you have 50% or more of the area protesting within the 300 foot area it does require a favorable vote of 3/4ths of the members of the governing body; therefore, to approve this rezoning request, it will require six affirmative votes.

Moeller asked about the slide colored in red. Bigham said these were names represented on the petition that was submitted to the City Clerk's Office so these were against the rezoning request, the colored in areas are protesting the rezoning. Moeller said it was interesting that the commercial properties on Ferris signed a protest against having this rezoned.

PUBLIC HEARING OPENED.

Ernest Godlove, attorney, 802 C Avenue, residence 726 NW 46th Street, said he had been asked by Braum's to appear in their behalf, although it was after they got unanimously turned down by the Planning Commission so the path before him is difficult, if not impossible. He said Braum's is a very good corporate citizen, a family-owned Oklahoma business, and they provide a real good product. He said this was the first Braum's Store in Lawton, it was built in 1974 and needs to be renovated and they are requesting the authority to change and upgrade it.

Godlove said they originally submitted a site plan to the CPC and he asked Braum's if they could change it to meet some of the neighborhood objections. He said it was short notice but it is indicative of the willingness of Braum's to be a good corporate citizen, they have submitted to him and made available to Planning a new site plan which reduces the size of the proposed building. Godlove said the existing building has no drive-thru access, and the building they proposed was their large facility, which is similar to the one on Cache Road. The one they have re-drawn is a smaller version of that store and the proposal is to provide a great deal of landscaped area with trees along the south and west sides of the property to provide an effective buffer.

Godlove said there was some concern about the use of the alley; right now Braum's trucks pull in from Ferris, go south down the alley, pull into the side of the building and proceed out south down the alley. The new site plan is drawn such that the Braum's truck will not be able to make use of the alley; they will use the 17-foot driveway on the north side of the building and exit onto Ferris. Godlove said individual cars will use the alley and they are using it now, but some problems can be eliminated by putting up a No Left Turn sign on Fort Sill Boulevard at Euclid so cars going north would not be able to turn west on Euclid and go up the alley; they would have to go around and come in through either Ferris or Fort Sill Boulevard, but the additional landscaping should address many concerns of adjacent residents.

Godlove said there was concern regarding the trash cans, which are presently located to the south of the building next to the fence on the alley. Braum's is proposing to locate the dumpsters to an area along Ferris in a brick structure enclosed on three sides with a front gate. He said there will still be debris but that will happen in any sort of a situation, but moving it to the north should cut down on some of the objections.

Godlove said there are currently three Braum's Stores in Lawton, employing between 100 and 125 persons, which is significant, and enlarging this store will mean some additional jobs. Braum's would like to build a new store on the east side of town, which would be an obvious benefit to Braum's but it is also a benefit to those who live on the east side and like the Braum's product. He said the real estate representative is present for Braum's and could address questions.

Godlove noted a partnership this Braum's Store has with Washington Elementary School in the reading program by providing coupons that are used as incentives. He said Braum's wants to be a good corporate citizen and they are not asking to take an R-1, R-2, R-3 or R-4 zoning and totally convert it and put in a new business there; Braum's already has a store there that is in C-1; they would like to be able to stay there but they are going to larger stores so it was unknown what would be done if they are unable to get the store there, but it does not fit into their corporate structure and they would have to decide whether to leave it and let it continue to deteriorate because it is not one that they are marketing now or do they simply shut it down; it is already zoned C-1 and there can be other commercial businesses at that particular location and he did not know whether the other commercial businesses would have the same high level of community endorsement and spirit that Braum's actually has.

Godlove said Braum's had attempted to meet many of the objections of the neighbors in relatively short order. He said he did not see that it would cause additional traffic problems because they moved the entrances from the corner of 11th and Ferris down considerably to the middle of the block. Godlove said he did not think we would be losing real historic buildings when they raze these two homes. The first house to the south is almost a danger to back out of the driveway onto Fort Sill Boulevard. This is not doing that much damage, destruction or harm to the overall concept of Old Town North, whose residents are Braum's customers, so they do not want to irritate them or get boycotted but want to accomplish what the people in Old Town North want and that is to be able to have a drive-thru facility and a good store they can make use of in their community.

Baxter asked if the scaled-down version contains a drive-thru. Godlove said yes, it is on the west side of the building further to the south.

Purcell asked for further explanation about a No Left Turn sign on Fort Sill Boulevard at Euclid because that was a big objection at the CPC meeting for traffic to cross Fort Sill Boulevard. Godlove said the same type of sign is located further to the south on Fort Sill Boulevard at about Arlington where you cannot turn between the

Mitchner's home and the Hester's home, you cannot turn left into that particular street. Godlove said that could be done at Braum's. Purcell said traffic coming north on Fort Sill Boulevard would not be able to make a left turn into Braum's or Euclid. Mayor Powell asked if that was to keep the people from using the alley. Godlove said it is to prevent problems with traffic going down Fort Sill Boulevard, and people will use the alley anyway. Shanklin said traffic would just go down one block and turn, then use the alley between Dearborn and Euclid.

Marny Skindrud, 1107 NW Euclid, said she is opposed to the proposed zoning change. She said when she came to Lawton through the military she saw the Old Town North area and loved the old houses and wanted to live there so she purchased this residence assuming she would be surrounded by homes and not businesses. Skindrud said when she looks out her living room window now she sees the houses across the street and personally speaking she did not want to see a Braum's outside her living room window. She said she enjoys the store and visits it frequently but would not like to see them expand.

Skindrud said the alley is used now and if it expands to cover the whole block, she was afraid the alley would be used quite a bit more. She said a sign keeping the north bound traffic from turning on to Euclid will not keep people from using the alley; they will come back in from another side or turn on another street and go through more alleys, so that is not a logical plan. Skindrud said a drive-thru would increase the air pollution and according to ODEQ there are ozone alerts and during those times people should avoid using drive-thrus because idling the car while waiting contributes to the pollution in the area.

Skindrud said the trash is an issue; she could understand having a little bit of trash in her yard but a couple of weekends ago she picked up two kitchen garbage bags full of trash; not all of it is from Braum's, but a very high percentage of it is, ranging from plastic gloves, plastic straws, cups up to big boxes that hold butter and jam.

Skindrud said she was worried about the pedestrian and vehicular traffic in the area that would increase partly because of the new junior high that is going in, there might be a lot of students coming through this area, as well as the congestion of trying to get into the driveways, although they have moved them around a little bit, but it was still a concern. She said the school children also play a part in the trash issue and she leaves her garbage can by the alley for students to use but it does not always work 100% of the time. Skindrud said as much as she likes using Braum's, she would not like to see them expand in that area.

Bass asked if Skindrud purchased her home and she replied yes, about two years ago.

Purcell said he heard Skindrud speak at the CPC meeting but it seemed that several concerns had been addressed with the modifications. He said the building is moved back further away from Skindrud's living room window, shrubs were added, and the dumpsters were moved, which all seem better than the current situation. Skindrud said she has two residential homes across the street from her now and still has the trash problem, and moving the store as shown would be helpful so she agreed on that point.

Yvonne Johnson, #7 NW Fort Sill Boulevard, requested Council support the decision of the Planning Commission and deny the rezoning. She said the encroachment of a commercial business into a residential neighborhood is very misguided. Johnson said although they all enjoy eating at Braum's, the architecture is not compatible with a historic district and it certainly will not add to the aesthetic value of the neighborhood. She said they feel that allowing the rezoning will create a domino effect, so all the way down Fort Sill Boulevard, values will deteriorate and it will increasingly turn into commercial areas. Johnson said the Mitchner's and Hester's homes could turn into boarding houses if the rest of the street becomes a commercial area.

Johnson said Old Town North is eligible for the National Register of Historic Places; the neighborhood association has been working for some time to make that a reality although it is quite costly and takes a while to raise the money. She said in 1995 the State Historic Preservation Office did a survey and included the west side of Fort Sill Boulevard into the Old Town North Historic District, meaning if you approve tearing down these two houses, you are tearing down two contributing resources to historic eligibility of the neighborhood.

Johnson said as far as traffic, Fort Sill Boulevard is operating now at 86-87% capacity, not including the new junior high school and it seems obvious that a new, expanded Braum's would increase the traffic on Fort Sill Boulevard. She said it will be an enticement for children from Central and Lawton High to rush across the street on their lunch hour, which is thirty minutes, and try to get back to class on time. Johnson said a student was killed on Gore last fall and we do not want that to happen again on Fort Sill Boulevard at that very dangerous intersection. She asked that the request be denied.

Johnson said when she came to Lawton in 1973, the south side of Gore looks as it is now but she had seen photographs of the beautiful houses that were on the south side of Gore. She asked if you really want to see that happen to Fort Sill Boulevard, and asked that the Braum's request be denied.

Steve Smith asked if there was an exit onto Euclid for traffic to turn right or left. Response was yes.

Marsha Moody said she owns the property at 1110 Euclid and right now there is not a drive-thru at this Braum's. She said the other Braum's has 20 or 30 cars during hot summer nights waiting at the drive-thru but right now this area does not have an attractor to bring large groups of people driving through the neighborhood. Moody said Braum's has generally very nice clients, but wondered what would happen to Euclid in this proposed plan because there is still an exit there, as well as a suggestion to make a no left turn, but she wondered how many people at night would come off of Sheridan where all the drive-thrus are, come down Ferris, go to get ice cream, go down Fort Sill Boulevard or through the neighborhood and add traffic late at night that they do not have now. She said that was her concern, as well as those which had already been established.

Haywood asked where Moody lives. Moody said right now she lives at 16 SW 50th, but owns property at 1110 Euclid, and 504 Ferris and 1311 Ferris which are just outside this 300 foot radius.

Purcell said he had said this on other occasions and it was: be careful what you wish for, you may get it. He asked what happens if Braum's closes and some other entity moves into this C-1 zone and it is much worse than what you may have with a Braum's. He asked how the residents feel about that case.

Jane Shaw, 1001 NW Bell, said area residents would like to have this corner rezoned to something more acceptable and that Braum's has not said they are leaving, they have a gold mine here. She said regarding traffic, the one house having to back out onto Fort Sill Boulevard, every house on Fort Sill Boulevard has to back out onto Fort Sill Boulevard now. She said they do not need the encroachment of commercial property in this neighborhood, such as happened on the other side of Gore Boulevard. Shaw said they want Braum's to stay but did not think this was necessary.

Alan Johnson said he grew up at 501 Fort Sill Boulevard, does not live there now but owns half of it and it is right across the street from Braum's. He said Mr. Sterret's house would have to be removed and it is a beautiful, unique house although it is not historic. Johnson said when he was a child, they could not cross Fort Sill Boulevard because it was too dangerous and had too much traffic, and the drawing was not accurate because there are currently four lanes on Fort Sill Boulevard. He said the road starts narrowing down at about the Braum's entrance, it is like a funnel and not allowing turns only adds to the confusion.

Johnson said the house at 501 Fort Sill Boulevard would make a beautiful office; those three lot owners did not oppose the rezoning request, and he knows those people and could assure the Council that if Braum's goes in across the street from the house he owns half of that he will probably go commercial and that house would likely be torn down because whoever would go in there might love Kentucky Fried Chicken or McDonald's or whoever goes in that front lot across the street from Braum's will probably tear that house down but it would probably be more money in his pocket but it would be torn down, and that will only be the start. He said Fort Sill Boulevard needs to be widened, there is a funnel between Euclid and Gore, and those four lanes need to be widened; if you want to make it commercial, widen it like every place else. Johnson said he knew every council member had a beautiful location zoned commercial in their area where they would like to see Braum's go in.

Johnson said there is a big, open commercial lot to the north and there are plenty of places Braum's could go in, plenty on 2nd Street; Braum's does a good business and sure there is trash. He said there is a sign right there saying \$200 fine for littering, and any successful place will have littering and problems but why infringe on one of the few residential areas left when there is plenty of commercial available. Johnson said Mr. Owens is here and was sure he could provide a lot of places, as could Mr. Bass and several people who are in the commercial land business and could find good places for Braum's where they would be welcome. He said the Braum's on Cache Road is very busy and there is no rhyme or reason how you get into there, they just have a big parking lot and people come in from all directions. He said people would not close down when they were getting money in their pockets and when the ozone gets up, it would be nice for drive-thrus to close down, but they are not going to do that because people want to stay in their cars. Johnson asked that Council carefully consider all the commercially zoned areas with signs for rent or sale and look at those before this. He said the Braum's people apparently feel this is the right location to expand but at least they are not asking for money from us to put it in.

PUBLIC HEARING CLOSED.

Vincent said normally we do this with one motion but because of the protest, six votes are required on the ordinance. He recommended having a motion on the resolution to change the Land Use Plan or not change the Land Use Plan, and depending on how that is handled then we can go on to the ordinance after that. Mayor Powell said we will talk about changing the 2025 Land Use Plan and deal with that resolution only, and then depending on what happens there, then we will take up the ordinance portion of it.

Shanklin said he lives at 208 Fort Sill Boulevard, which is R-4, across the street is R-2, and they want to preserve that area for several reasons which Ms. Johnson spoke of. He said there is a vacant lot to the east of Braum's, there has never been a structure on the corner of Ferris and 11th across from Lawton High. Shanklin said it is an eyesore because of the grass and the owners have to be contacted several times a year to mow it and it always has signs and trash. He said they want to preserve the integrity of Fort Sill Boulevard and would try to down grade it and

come back to Council with an R-1 from Gore to Ferris. Shanklin said he felt that letting one in would just open the gates.

MOVED by Shanklin, SECOND by Haywood, to deny the land use.

Mayor Powell said we have a motion on the floor, and also a second, for denial. He asked if there was discussion. Baxter said this company is trying to help Lawton with our economic development and we sit here and decide who we want to let in and who we do not want to let in, and just let them all in and he supported them.

Mayor Powell said there is a motion and second for denial on the floor and asked for roll call.

VOTE ON MOTION: AYE: *Purcell, Shanklin, Haywood, Hanna. NAY: Moeller, Baxter, Bass, Devine. (Note: *Purcell passed on initial roll call.)

Shanklin said it does not make any difference, it takes a majority of six and the Mayor did not have to vote. Baxter said you do not have to have six on this one. Vincent said on the resolution it is a simple majority of five since everyone is here; the Mayor is not required to vote but it will take six affirmative votes to pass the ordinance. Mayor Powell said if he voted yes, he would throw it right back in their lap and they would have to have six votes to do it, and asked if that was what Vincent was saying and Vincent said yes. Mayor Powell voted yes. Mayor Powell said he would entertain a motion on the ordinance.

MOVED by Shanklin, SECOND by Hanna, to deny the ordinance. (not voted on due to discussion below)

Moeller said for clarification, the motion was not to approve the land use plan change and if it is, we are done. Vincent said that is correct, his motion was to deny and the Mayor voted yes. Mayor Powell said the motion was to deny and he voted yes to deny. Purcell said the issue is dead, there is no ordinance. Vincent said it is dead on the ordinance.

20. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Residential/Low Density to Commercial and an ordinance changing the zoning from A-2 (Suburban District) to C-4 (Tourist Commercial District) zoning classification located at the northwest corner of SW 52nd Street and Lee Boulevard. Exhibits: Resolution No. 02-38; Ordinance No. 02-13; Location Map; Site Plan; Applications; CPC Minutes; 2025 Land Use Map and Zoning Map.

Bigham said the requested area is approximately 1.48 acres located at the northwest corner of 52nd and Lee Boulevard. Applicant is Arvest Bank and proposed use is to construct a bank facility at this location. The CPC at their February 14 meeting held a public hearing, one person spoke in favor and no one spoke in opposition, and the CPC by a six to zero vote recommended approval of the amendment to the Land Use Plan and the rezoning request. Proper notice was published for this public hearing.

Baxter said a new building is planned and we should be careful that it does not cause more traffic or more problems; we are for economic development but we have to be careful.

PUBLIC HEARING OPENED.

David Madigan, Arvest Bank Group, residence of 7511 NW Willow Creek Drive, said he was present to answer questions and requested approval and following the CPC recommendation to approve this. He said Arvest intends to build a 6,500 square foot bank at this location and they have a nice track record in the last 24 months upgrading two facilities in Lawton, and they will have the same type of facility at 52nd and Lee Boulevard. Madigan requested approval.

PUBLIC HEARING CLOSED.

MOVED by Bass, SECOND by Baxter, to approve Resolution No. 02-38 and Ordinance 02-13, waive reading of the ordinance, read the title only.

(Title) Resolution No. 02-38

A resolution approving an amendment to the 2025 Land Use Plan for the City of Lawton from Residential/Low Density to Commercial located at the Northwest corner of SW 52nd Street and Lee Boulevard.

(Title read by City Attorney) Ordinance No. 02-13

An ordinance changing the zoning classification from the existing classification of A-2 (Suburban District) to C-4 (Tourist Commercial District) zoning classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof; authorizing changes to be made upon the Official Zoning Map in accordance with this ordinance.

VOTE ON MOTION: AYE: Shanklin, Moeller, Haywood, Baxter, Bass, Devine. NAY: None. OUT: Hanna, Purcell. MOTION CARRIED.

21. Consider a resolution amending the 2025 Land Use Plan from Residential/Low Density to Commercial on property located at 202 - 234 East Gore Boulevard. Exhibits: Resolution No. 02-____; Location Map; Application; Draft CPC Minutes; 2025 Land Use Plan.

Shanklin announced that Ward 5 supported the cent sales tax 488 to 219.

Deborah Jones, Assistant City Planner, said the request was initiated by the Lawton Urban Renewal Authority (LURA) to amend the 2025 Land Use Plan from Residential/Low Density to Commercial on property at 202-234 East Gore Boulevard, representing 18 lots located in Vernon Legion Addition, included in the D-6 Urban Renewal area. She said LURA received a request from a private citizen who desired to enter into contracts on several of the lots so he could construct a new commercial business for his silk screening process. Since the urban renewal plan must be in compliance with the comprehensive plan, LURA passed a resolution on December 14 requesting the CPC consider amending its comprehensive plan to show this as commercial. LURA does not own any land in the requested area.

Jones said the land use of the surrounding area is single family residential to the north, industrial and commercial to the south, tribal land to the east, and public Douglas Elementary to the west. The 2025 Land Use Plan designates Vernon Legion as a transition area. It provides that residentially zoned land should either be preserved or changed to a new land use that has development standards which protect adjacent residential properties and the capacity on the arterials. A large public investment was made with Urban Renewal funds to stabilize this area and remove any blighting influences and stabilization appears to have taken place.

Jones said on February 28 the Planning Commission held a public hearing at which time three persons spoke against the request, one person spoke in favor of the request, and a letter was received opposing the request. The opposition represents 44% of the land area in the request that is protesting this amendment. The CPC by a seven to zero vote recommended denial of the amendment of the Land Use Plan; if Council approves an amendment to the Land Use Plan then the item would be placed back on the agenda of the Urban Renewal Authority in order that they might amend the Urban Renewal Plan. Courtesy notices for the CPC hearing and tonight's hearing were mailed to the land owners within the requested area.

PUBLIC HEARING OPENED.

Ernest Sheppard, LURA Chairman, 2604 NW Lake Front Drive, said LURA has been very concerned about the D-6 area, which is north of Gore and east of 2nd Street and they have some plans to look at trying to revitalize 2nd Street. Sheppard said he has no personal interest in this one way or the other, but one of the things that LURA is trying to do is generate some interest in that particular area and all of the members feel that by changing some of the designations for use to commercial that some interest can be generated. He said if there is commercial interest, perhaps the residential area will come back. Sheppard said LURA paid to demolish two buildings further west of this location on Gore and it is now vacant land, being mowed and maintained and they are presentable, so they are trying to continue to improve that area and this is one of the ways they think they can do that.

Sheppard said all of the LURA members voted for this except one who abstained because he had some personal interest in that particular area.

Baxter said the Chairman is saying LURA supports this but the recommendation at the bottom of the agenda item is for denial and he did not understand that. Mayor Powell said the CPC recommendation is for denial. Sheppard said he felt the Council should also hear from LURA as to their thoughts.

Gerald Jones said he is building a new home on Dr. Lewis K. Jones Avenue, Lots 21-24, and expressed concern for future expansions or developments he plans to do. He said it was very difficult to get bank financing for his construction due to the existing industries in the area, and the bank's thought was that if something were to happen that no one would want to live there so he and his wife were footing most of the bill on their own. Jones said he did not want businesses there because it would make it more difficult to have future residential development and the plan would not distinguish between a t-shirt shop or a car lot. He requested denial of the amendment.

Haywood said the street Mr. Jones is building his house on is named after his grandfather.

PUBLIC HEARING CLOSED.

MOVED by Haywood. SECOND by Shanklin, to accept the recommendation of the CPC for denial of the request to amend the 2025 Land Use Plan.

Another person asked to speak and was recognized.

Frances Clark, 6207 NW Cheyenne, said she owns four lots in this area. She said she wanted to know when this area was designated to come under the urban renewal authority because they did not get a notice of a meeting on February 14. Clark said she objects to this because the school is there and any kind of business could go in; the only thing it could be used for is a senior citizens home because of the school and a dead end street and the heavy traffic on Gore. Mayor Powell restated Clark's comments for clarity.

VOTE ON MOTION: AYE: Moeller, Haywood, Bass, Hanna, Devine, Purcell, Shanklin. NAY: None. OUT: Baxter. MOTION CARRIED.

22. Consider advertising for Requests for Proposals for engineering design services for construction of a sewer main along Nine Mile Creek. Exhibits: Project Information.

Purcell said we always talk about economic development and in talking to businesses he found there is a problem on the east side of town in that the area past 45th Street has no way to get sewage to the wastewater treatment plant without using a lift station. He said that is very expensive, the City has to maintain them, someone has to buy them and businesses do not want to depend on lift stations. Purcell said the City needs to take the first step, and all he was asking for tonight was to direct the staff to go out with RFP's to develop some plans for a sewer line on the east side of town that is badly needed, and grants or matching funds cannot be sought until a plan is in place. He said the numbers in the item all may be wrong and that was why a plan was needed, to show what the true numbers will be, and these numbers may be too old, all valid comments he had heard, but all we are asking for tonight is to go out for the RFP, we are not going to spend any money tonight to do it, we see what the RFP's come in as on what it will cost to develop the plans and go from there.

MOVED by Purcell, SECOND by Moeller, to authorize staff to go out for RFP's for engineering design services for construction of a sewer main in the vicinity along Nine Mile Creek.

Shanklin said he had no problem going out for a RFP and asked if it would be for an engineer design. Purcell said he was not sure what it would be for, it should say what do we need to do to take the first step to get some kind of design in place to develop that sewer line. Purcell said until the sewer line is constructed, they will not be able to get business or industry on that side of town and the Lawton Public School district runs out to 90th Street between Rogers Lane and Gore, and to 120th Street between Gore and a couple miles south of Lee, so there is plenty of area for industry to locate in the Lawton Public School district but no more to the west. He said he was looking for a RFP to design something; it does not necessarily have to be all of the specifics but a plan has to be in place to see how much it will cost to try to get grants from the federal government or matching funds.

Shanklin said if Lawton is still 80,000 people, 70,000 of them live west of Cache Creek, and to be able to resurrect the central corridor, that has to change; we have to get 30,000 over there and maybe 80,000 on this side in order to balance it out. Shanklin asked if developers, who may or may not donate right of way, would be charged to connect a development to the sewer. Vincent said the primary area it would service is not right now in the city limits. Shanklin said assume it is annexed and the City receives a plat for a residential subdivision, does the developer get to tie on to the main for free. Vincent said one of the methods of funding is a sewer improvement district, so no, they could not; or a sewer back pay system could be developed like the one for water lines.

Hanna said Frank and Nick Richards are present and he would like to hear from one of them on the figures.

Frank Richards, 322 SE Camelot Drive, said someone had estimated the right of way cost at about \$1 million. He said the large sewer line south of the Indian casino was done with a 20 foot easement and he did not know why a 50 foot easement would be needed for this line. Richards said this is agricultural land, much of it is in the flood plain, and if you take that 8.71 miles at a 20 foot easement you come up with 21.11 acres. If you figure that at \$2,500 per acre, and land sells all over the country out there for \$600 or \$700 an acre for farm land, and along the creek and it is pasture land and grazing land, so we are way off base when we are saying it will cost this kind of money for the right of way.

Richards said this sewer line will take in about 12,800 acres that will drain into the sewer plant, natural flow. He said we estimate it would take \$1.16 million to complete the job, and if they had the plans, he thought a grant could be obtained to put in the sewer line; Tomlinson Engineering says they will do the plans for \$108,000 and someone else may do it for less but he knew at least one response would be received for that amount. Richards said the government is giving away billions of dollars in grants and he had received grants for the old apartments in the northwest part of town and made great accomplishments with the funding. He said the City needs to annex south to the base line, east to Trail Road, and north to Fort Sill and do it as soon as possible. Richards said this project should have been done 30 years ago.

Mayor Powell asked what the motion included. Purcell said the motion was to authorize staff to go out for an RFP. Shanklin asked if it was for an engineer to design. Purcell said we should go out for an RFP so engineers can tell

us, first they will tell us the cost to design, then do whatever they do; this is just to advertise for the RFP. Shanklin said it is for engineer selection. Purcell said he was not requesting funding.

VOTE ON MOTION: AYE: Haywood, Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

23. Consider approving a resolution authorizing the installation of traffic control devices at SW 20th and Douglas, SW 20th and Roosevelt, and SW 21st and Garfield; and for denial of requests at 132 SW 75th, and at NW 31st and Kinyon. Exhibits: Resolution No. 02-39.

Dan Tucker, Building Development Director, said these issues were taken to the Traffic Commission on February 21 and they forwarded the requests to Council without action. He said staff recommendation is the same as was stated at the Traffic Commission and as shown in this item.

Baxter asked where the comment in the background came from. Baker said it was a direct quote from the motion at the Traffic Commission meeting. Baxter asked who made the motion and Tucker said he did not know the name of the member, but it was a motion, second and approved by a majority of the board.

MOVED by Haywood, SECOND by Hanna, to adopt Resolution No. 02-39 and deny the other requests as recommended.

Devine asked what was so bad about putting up Children at Play signs. Tucker said those signs are recommended near playgrounds and public facilities, and the sign has no meaning in a residential neighborhood because there are always children playing in those areas; they are used for concentrations of children, and children should not be playing in the streets in residential areas.

VOTE ON MOTION: AYE: Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

(Title) Resolution No. 02-39

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton, Oklahoma. (locations shown in title)

24. Consider paying expenses for a site visit for assessment of tourism potential. Exhibits: None.

Moeller said she had brought this up during comments after she attended a course at the National League of Cities Conference in Atlanta, and it was the highlight of the trip. She said these two ladies evolved into this business because they were so good at what they did and people asked them to come in to tell them what they need to do to turn their cities around and generate revenue, and the basis is using tourism to revitalize your economy. One of the comments was that tourism was the way Europe rebuilt after World War II and Moeller said she felt there was a gold mine here.

Moeller said Dr. Williams and one of her assistants would come in one day, go around the city by themselves without anyone knowing they were here, talking to people, and the next day they would like to have appointments, one with the Mayor's office, one with the Chamber of Commerce, one with anybody else that we feel they should visit with to get their opinions and how tourism is handled, what can be done, what information do we have, and how can we improve on the way we are promoting. She said Dr. Williams would then come to the Council that night and relate what she observed, and Council could decide if they want her to continue with a marketing plan. Moeller said this is not for or against anyone and not designating anyone to handle tourism; it is just an overall assessment of not only our city and county but identifying other funds that might be available to help promote tourism. She said Dr. Williams will give a presentation on Tuesday night, then Council will decide whether or not we would like her to come back and do the marketing plan, which would cost around \$15,000. Moeller said this is a way of generating more revenue for the city, Dr. Williams has done this for other cities and they generated more sales tax after implementing her plan, some almost double, so it is another source of revenue and sometimes someone from the outside can see things we cannot see.

Moeller said the first visit is expenses only, and it is very rare to be able to get someone to come in and talk to people and look at your community for just expenses.

MOVED by Moeller, to approve this for Dr. Anna Graf Williams to come for a two day visit, with her assistant, for expenses only.

Baxter asked Margaret Chalfant if she thought this was a good idea since she was involved in tourism and the arts in the City. Chalfant said she thought it was a wonderful idea to get new ideas and different perceptions to help.

Devine said he thought it was a good idea but we are giving the Chamber \$400,000 and part of that is for tourism so he did not understand why we needed to take money from the Council Contingency fund to fund this. He said it

seemed we would be working in competition against the Chamber and go behind them.

Moeller said she spoke with Mike Austin today and he agreed it was a good idea; it does not have anything to do with what the Chamber is doing. Devine asked if the Chamber would pay the marketing plan costs. Moeller said no, and she had found we are expected to collect more than \$400,000 in the hotel/motel and recommended using that for it; anticipated collection is around \$450,000 and recommended the overage be used to support this. Moeller said the City may accept the marketing plan and ask the Chamber to implement it.

SECOND by Devine, to motion shown above.

Shanklin asked if the motion was that the money will come from the Chamber of Commerce. Moeller said no, the amount over and above the \$400,000 we would collect could be used for the marketing plan. Shanklin said he still thought it was in competition and asked if Mike Austin agreed to it. Moeller said yes, he said he could support it.

VOTE ON MOTION: AYE: Bass, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. OUT: Hanna. MOTION CARRIED.

The Mayor and Council recessed at 8:10 p.m. upon motion, second and roll call vote, and reconvened at 8:20 p.m. with roll call reflecting all members present.

25. Consider sponsoring youth representatives to attend the National League of Cities Conference and provide appropriate direction to staff. Exhibits: None.

This item was stricken and not considered.

26. Consider an agreement with the Lawton Homebuilders Association for financial assistance for the construction of a demonstration project house for increased building standards for higher wind loads as part of the Project Impact Program. Exhibits: Letter of Request; Agreement.

Bigham said this is one of the more outstanding partnerships that have been created with Project Impact. One of the programs FEMA has approved deals with creating an optional, superior building code. He said John Jones is in charge of a subcommittee to develop these optional codes and there is a lot of debate on the most cost effective way to do this. Bigham said the agreement is to help finance a demonstration project with the Lawton Homebuilders Association because they build a structure annually and it will be used to test some of the construction methods to make it a more structurally secure house. He said the agreement will provide the Homebuilders with up to \$3,000 of general fund money to participate in the construction of this demonstration house. Bigham said it will be used in the public awareness campaign to show other builders and real estate persons how this would work, as well as testing the building methods.

Bass asked if the house would be built in the Lawton city limits. Bigham said yes, and this agreement will deal with only one house which will be built in Kingsbriar Part 4 by Keegan Ledford.

MOVED by Devine, SECOND by Baxter, to enter into the agreement with the Lawton Homebuilders Association. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

27. Consider submission of Hazard Mitigation Grant Program (HMGP) Notices of Intent to the Oklahoma Department of Civil Emergency Management to establish a rebate program for safe rooms and shelters for residences and a rebate program for the purchase of NOAA weather radios. Exhibits: Letter.

Bigham said this is another opportunity to receive federal grants on a 75-25 match basis; the recent ice storm generated another \$14 million through HMGP. Lawton has authorized submission of six NOI's so far and received another notice of fund availability. He said they tried to find programs that would not require any local match; the Project Impact contains \$75,000 in rebate programs for the installation of safe rooms and shelters which will be a 75-25% match with the applicants, and what is being requested here is a continuation of that program requesting \$500,000, which at \$2,000 each would build about 250 safe rooms or shelters. Bigham said the other part of the program is a request for \$100,000 for a rebate program for the purchase of NOAA digital weather radios, and the applicant would pay 25% of the purchase value and get a 75% rebate.

Mayor Powell asked if this would cost the City anything. Bigham said only time and administration, no hard dollars.

MOVED by Bass, SECOND by Baxter, to approve the item. AYE: Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

28. Consider approving an Indemnification/Hold Harmless Agreement between the City of Lawton, Dr. Charles Kelsey and Bishop Public Schools, and authorize the Mayor and City Clerk to execute the document. Exhibits:

None.

MOVED by Shanklin, SECOND by Baxter, to approve the item. AYE: Moeller, Haywood, Baxter, Bass, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

29. Consider a Revocable Permit for the construction of a swimming pool in the NW 7th Street right-of-way adjacent to 702 NW Arlington submitted by Ralph and Tammy Spears. Exhibits: Application; Survey Drawing; Proposed Revocable Permit.

Shanklin said it may turn out that the permit is not necessary, but since it is on the agenda, it should be approved in case it is needed.

MOVED by Shanklin, SECOND by Haywood, to approve the Revocable Permit. AYE: Haywood, Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

30. Consider authorizing staff to repair specific roofs with available funding from the 1995 CIP Squaw Creek Service Line Project. Exhibits: None.

Background indicates repairs as follows: City Hall Annex - \$3,200; Library Phase I - \$4,050; Library Phase II - \$9,200; City Hall Drive Thru - \$1,500; City Hall Annex (911 roof) - \$12,030; Public Works Salt Storage Building - \$2,500 for a total of \$32,500.

MOVED by Shanklin, SECOND by Haywood, to approve Item 30 as recommended. AYE: Baxter, Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

31. Receive a presentation on the Parks and Recreation Department's updated Ten-Year Strategic Plan and consider approval of the Plan. Exhibits: Plan to be presented separately.

Kim Shahan, Parks & Recreation Director, gave a presentation which is summarized as follows: the plan was changed from a five-year plan to a ten-year plan. The CPC said this was ambitiously realistic, meaning there is enough time within this framework to possibly provide funding through many sources to accomplish the plan, but it is ambitious. The executive summary section, recreation services, includes the School of the Arts, which will also appear in this year's budget recommendation to start after school programming for not only sports but also in the arts. Park development improvements shows an update of what has been accomplished since the plan was implemented; completed projects are shown, as well as those in progress this year.

Priorities for park development were approved by the Parks & Recreation Commission, and each item lists comments showing the objective in terms of the concept of a particular activity. The need for a westside community park was mentioned last year and the property known as the B-1 detention site off of 67th and Rogers Lane would be a proper site for such a facility. A soccer complex is shown as a priority and this is a need in the community; it will take the whole community to make it happen and it is needed for league play operations as well as the potential to expand to tournament level activity. A document was provided by the Oklahoma Soccer Association showing revenues created in tournaments held on a state or regional level, and it is similar to what has been done over the years with the ASA softball operation. Lawton has two soccer associations and it will take a combination of those two working together to fulfill this. Items 4 and 5 (Greer Park tennis complex lights and Outdoor in-line hockey rink at McMahon Park) were funded through a McMahon Foundation grant so those will be done in the near future. Item 6 (Elmer Thomas Park Master Plan/McMahon Parkway) may receive assistance; #8 (cemetery bell tower) should be operational by Memorial Day this year. Item 15 is Lake Helen improvements and an agenda item will be considered to pursue a grant in this regard.

Margaret Chalfant, Arts & Humanities, said Item 13 is a proposal for a heritage park; there are 12 acres of Elmer Thomas Park presently known as Ramada Park and they are really not usable for park land. This would be a perfect place for Lawton to start preserving their historic buildings. Many communities have lost wonderful, historic buildings because they have no place to move them. This could have a small lane area where people could see teepees, historic houses, log cabins, whatever might be offered or considered; it could also have an area for an outdoor theatre where productions such as Oklahoma Opening could take place in the summer. It could have gazebo areas, outdoor areas for the Native American community for pow wows and meetings and be multi-functional and multi-purpose. It could be an ending for the Boulevard of Lights celebration.

Shahan said the two regional lakes were added to Parks & Recreation. In October 1997 a document was done by Dr. Canaday from Oklahoma State University showing the primary purpose of the lakes to be the water sources and not recreation, but the document clearly states that most of the things that could be accomplished in the Lake Lawtonka region are about to be maxed out, so if more services or recreational sites are to be developed, the primary direction should be at Lake Ellsworth, so the priorities of the Lake & Land Commission to try to improve our lakes show some things that still need to be completed at Lake Lawtonka, but also a lot of things in reference to Lake Ellsworth.

Shahan said priorities are shown on Page 26, #3 states the management of the regional parks requires an increase in staff to maintain the parks at a level of service expected by most tourists. With the two lakes, which are in effect regional parks, we must recognize that for them to be improved and enhanced will require more staff to be able to maintain them and that is significant. The two primary needs are facilities to take care of wastewater on the east side of Lake Lawtonka and the restrooms for School House Slough, then the priorities listed for Lake Ellsworth. He said the Lake Lawtonka Pavilion was provided through a grant from the McMahon Foundation.

Shahan said he appreciated funding provided to address repair of seven roofs through the building maintenance section, and a report will be given to the City Manager on what needs to happen next year in terms of roofs of City facilities, and there are many. A list was included showing who is responsible for the management of the buildings, whether they are responsible for providing their own roof maintenance or whether it is building maintenance through Parks & Recreation.

Mayor Powell said he had spoken often about having a roof crew and it just makes sense to have that because of the number of buildings and the need for constant repair. He said he had talked to Chalfant earlier about having a stage on Lake Helen but the information shows a fishing dock. Shahan said an amphi-theatre is also in the plan for Elmer Thomas Park.

Baxter said renovation of neighborhood parks shows playground equipment was installed at Country Club and that was not correct. Shahan said it is only in progress, not completed. Baxter said some of the parks show up in one area but not another. Shahan said funding had been identified for some parks and others would be considered for funding in the next round.

Purcell asked what was being done about the prairie dog problem at Elmer Thomas Park, which seems to be getting worse. Shahan said Council had approved a site for relocation of the prairie dogs to Lake Ellsworth; they can be moved at the end of spring. Additional staff will be needed on a consistent basis to make any type of impact and a request was included in this year's budget for personnel to remove them for a six-month period; about 100 per day can be moved if there are four individuals doing only that. Shahan said the Elmer Thomas Park master plans shows prairie dogs isolated in a central area of the park, but the only way to do that is to stay on top of it every day in removing them; in the past, all we have been able to do is when a rancher or someone is interested in receiving some of the prairie dogs we collect as many as we can in one day and wait until someone else was available to receive them. Shahan said we now have a location but need personnel to carry out the tasks consistently.

Purcell asked what happened to the people that convinced Council to allow this, there was a big group from Cameron that was going to do the removal. Shahan said they were not removing them, it was by their guidance through City personnel that they were being removed. Hanna said he understood prairie dogs were used as pets in Japan and they were expensive, so if there is a market for them in Japan or Europe, it might be worth looking at because we have so many of them.

Baker said he would make removal of prairie dogs a high priority; there are possibilities for additional grant funds but it hinges on addressing the prairie dog population, which has gotten out of hand and they destroy young trees, shrubs, and flowers, and it must be addressed.

Shanklin said Patterson Center was shut down five months ago and he and Bass were privy to a demonstration of an ozone machine, and he since has purchased one and knows it works and machines were also used at Patterson Center. He asked when Patterson Center would be opened and if it would have cost \$180,000 that did not have to be spent because of those machines.

Baker said Patterson Center has been re-opened; staff presented proposals that were received in the range of \$170,000 and due to the initiative and efforts of Shahan and Angie Alltizer, and the crew in parks and grounds, that problem was taken care of for just a few thousand dollars. Shanklin said the Council showed tenacity in seeing that the expense was not made.

MOVED by Haywood, SECOND by Bass, to approve the report. AYE: Bass, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

Mayor Powell said he had received a letter of resignation from Col (R) Hawthorne who has been an inspirational part of the Lake & Land Commission and he has done a great job over the years.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Baxter said employees are tearing out telephone lines with backhoes and the City Manager should take note of that problem. Devine pointed out the difficulty in excavating in tight easement areas containing a lot of different utilities.

Moeller said she was concerned about a meeting being called for this Thursday and there was no way she could attend. She said she understood it was called on Friday morning and it was 3 p.m. Monday before she heard about it and she heard about it from a citizen and that is not the way it should happen. Moeller said she has a ward meeting that night, and with no warning or no one asking, she paid for an ad in the newspaper to advertise the meeting and she could not cancel it. She asked for a little more courtesy and more warning.

Mayor Powell said he would respond on his part, last Friday morning he looked at his book and had one night in the next three weeks that was open, not counting weekends, and the one night is Thursday. He said that was last Friday morning and he went to Baker's office and told him he would like to call a meeting for Thursday at 5 p.m. due to his schedule and the need for this meeting, and he apologized if he had done something wrong, but this meeting has to happen, it is a continuation of the other meeting, and anything he did was not intentionally stepping on anyone else's grounds or interfering but that was his reasoning. Moeller said she did not like hearing from a citizen that she was supposed to be attending a meeting. Mayor Powell said he understood that completely.

Purcell said he found out about the meeting at 3:30 yesterday afternoon and he could not attend Thursday night either because he already had a commitment, so maybe it could be rescheduled if possible. Mayor Powell asked Baker when the meeting had to be held, and he understood phone calls had been made and understood Moeller's concern, as well as Devine's concern about meeting at 5:00 but understood everyone else could be here. Baker said the application is due May 15 to HUD so we have some time. Mayor Powell said the meeting for Thursday night is officially cancelled, and hopefully they can all find a common date in the next month or two.

Haywood said a famous radio program host will be at McMahon Auditorium on March 22 and he helps with scholarships for black colleges. He said it will be first come, first served to attend.

32. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending tort claim of Joseph LeGrand against the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

MOVED by Hanna, SECOND by Baxter, to convene in executive session as shown on the agenda and recommended by the legal staff. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 8:55 p.m. and reconvened in regular, open session at approximately 8:58 p.m. with roll call reflecting all members present.

Vincent reported that pursuant to Section 307B.4, Title 25, Oklahoma Statutes, the Council entered into executive session to discuss the pending tort claim of Joseph LeGrand against the City of Lawton and a briefing was given on a portion of this claim involving property damage. Vincent recommended a motion authorizing the Mayor and City Clerk to sign a resolution to settle the property damage portion of this claim in the amount of \$7,800, inclusive of attorney fees and costs.

MOVED by Hanna, SECOND by Baxter, to authorize the Mayor and City Clerk to sign a resolution to settle the property damage portion of this claim in the amount of \$7,800, inclusive of attorney fees and costs. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

(Title) Resolution No. 02-40

A resolution authorizing the City Attorney to enter into a Settlement Agreement for the sum of Seven Thousand Eight Hundred Dollars and 00/100 (\$7,800.00) as settlement of the property damages, attorney fees and costs of a claim filed by Joseph LeGrand by and through his attorney of record Jerry Foshee, and directing the City Attorney to assist with preparing and filing a Friendly Suit including a Journal Entry incorporating said Resolution and Settlement Agreement for the approval of the District Court of Comanche County, Oklahoma.

There being no further business to consider, the meeting adjourned at 9:00 p.m. upon motion, second and roll call vote.